

## REMARKS

By this response claims 1, 8, 10, 11, 17, have been amended, claims 5, 9, and 20 have been canceled, and claims 25-29 have been added. Claims 1-4, 6-8, 10, 11, 17-19, and 21-29 remain pending. Reconsideration of the application is requested.

### Double Patenting Rejection

Remaining claims 1, 17, 27, 28, 31, 34, and 36 have been rejected as being unpatentable over copending application 10/671,186.

The claims of the present application and of copending application 10/463,185 have been amended. It is submitted that the amended claims do not describe obvious variants of each other as required for an obviousness-type double patenting rejection (MPEP §804), and thus the Examiner's reconsideration of the double patenting rejection in light of the amended claims is respectfully requested.

For example, claim 1 of application 10/463,185 now recites, *inter alia*, "...aligning the semiconductor wafer substrate assembly using the alignment indicia through the boron-doped amorphous carbon layer as an alignment reference, patterning the boron-doped amorphous carbon layer, and etching said layer to be etched using said boron-doped amorphous carbon layer as a pattern." Claim 1 of the present application now recites "...exposing said a:C-B layer to an oxygen plasma, and introducing a fluorine-containing gas into said oxygen plasma during said exposure of said a:C-B arc layer to said oxygen plasma."

Various other unobvious differences are found in the claims as amended which differentiate the claims in such a manner that they are not obvious variants of each other. Thus the Examiner's double patenting rejection is respectfully traversed inasmuch as the amendments to the claims further differentiate the claims of the two applications from each other.

### Rejection under 35 USC §102(e) over Chang et al.

Claim 8 has been rejected under 35 USC §102(e) over Chang et al. (US 6,750,127). Claim 9, which has been rejected solely under double patenting, has been written into claim 8, and thus claim 8 is allowable under 35 USC §102(e) over Chang et al.

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### **Rejections under 35 USC §103(a) over Chang et al. and Towle**

Remaining claims 1-4, 17-19, and 24 have been rejected under 35 USC §103(a) as being unpatentable over Chang et al. in view of Towle (US Pub. 2002/0088707). Claims 5, which has been rejected only with regard to double patenting, has been written into claim 1 and canceled. Thus claim 1 and remaining claims 2-4, 6, and 7 which depend therefrom are believed to be allowable over the cited art.

Claim 20, which has been rejected only with regard to double patenting, has been written into claim 17 and canceled. Thus claim 17 and remaining claims 18, 19, and 24 are believed to be allowable over the cited references.

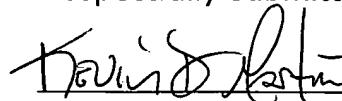
### **Newly-Added Claims**

Claims 6 and 7, each of which has been rejected by the Examiner only under the double patenting rejection, have separately been written into claim 1 and submitted as new claims 25 and 26 respectively. Claims 21, 22, and 23, each of which has been rejected only with regard to double patenting, have separately been written into claim 17 and submitted as new claims 27, 28, and 29 respectively. As new claims 25-29 recite subject matter deemed allowable by the Examiner, these claims are in condition for allowance.

### **Conclusion**

If there are any matters which may be resolved or clarified through a telephone call, the Examiner is cordially invited to contact the undersigned. This is believed to be a complete response to the Examiner's office action.

Respectfully submitted,



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